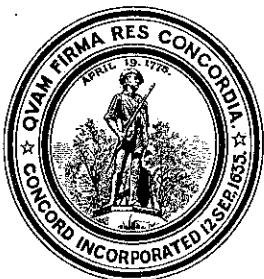


Town of Concord  
Zoning Board of Appeals

141 Keyes Road  
Concord, MA 01742  
Tel: (978) 318-3295  
Fax: (978) 318-3291



# Zoning Board of Appeals Application

Town Use Only

Received by Clerk of the Board:

Town Clerk Stamped Received

Application Fee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

## 1 Application Information

Applicant's Name and contact # \_\_\_\_\_

This Application is for:

- ☐ Special Permit    ☐ Site Plan Review    ☐ Variance    ☐ Comprehensive Permit  
☐ Appeal from a decision of the Building Inspector/Zoning Enforcement Officer

What Sections of the Concord Zoning Bylaw are applicable to this Application?  
(Specifically identify each section.)

Nature and justification of request: (Attach additional pages if needed.)

## 2 Property Information

Address: \_\_\_\_\_

Parcel ID #: \_\_\_\_\_

Map #: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Total land area (acres or square feet): \_\_\_\_\_

Lot frontage: \_\_\_\_\_

Present use: \_\_\_\_\_

Proposed use: \_\_\_\_\_

Check all applicable:

- ☐ Historic District  
☐ Wetlands Conservancy District  
☐ Flood Plain Conservancy District  
☐ Groundwater Conservancy District  
☐ Wireless Overlay District  
☐ White Pond Advisory Area  
☐ Property contains abandoned railroad right-of-way  
☐ 100' Wetland Buffer Zone  
☐ 200' River's Act Area  
☐ Within 2 miles of the end of any Hanscom Field runway

### 3 APPLICANT AND OWNER INFORMATION

The undersigned hereby certifies that he/she has read and examined this application, the Board of Appeals Procedures and Checklist and that the proposed project is accurately represented in the statements made in this application. The undersigned also certifies that applications have been filed with the Planning Board, Natural Resources, and White Pond Advisory Committee, if appropriate, and hereby requests a hearing before the Board of Appeals with reference to the above application.

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature) \*required

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Telephone: \_\_\_\_\_  
(Address, if different from property address)

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Telephone: \_\_\_\_\_  
(Address, if different from property address)

Applicant is: ☐ Owner ☐ Tenant ☐ Agent/Attorney ☐ Purchaser

**To avoid project delays**, this Application and all supporting documentation must be reviewed by a Town of Concord Building Inspector prior to filing with the Town Clerk.

Please be advised that it is **the Applicant's responsibility to schedule an appointment to meet with a Building Inspector at least one to two weeks before the application submission deadline.**

This completed Application has been reviewed by a Town of Concord Building Inspector.

\_\_\_\_\_ Signature of Building Inspector

\_\_\_\_\_ Date of Review

## Town of Concord, MA

# Zoning Board of Appeals Application Procedures

A copy of the Zoning Board of Appeals (ZBA) Meeting schedule and the **filing deadline** for each meeting can be found on the Town of Concord website [www.concordma.gov](http://www.concordma.gov) or a copy can be obtained at the Planning Division. All hearings are open to the public, as required by law, and all applications submitted become public record. The applicant and/or his/her representative should plan to appear at the hearing.

### **Before you file your ZBA Application ...**

1. **Review the Concord Zoning Bylaw before completing the application.** Copies of the Zoning Bylaw can be viewed and/or purchased in the Building Division at 141 Keyes Road on the second floor or found on the Town of Concord website [www.concordma.gov](http://www.concordma.gov). Locate the specific sections of the Bylaw that pertain to your application and enter these section numbers on the application form. Complete the “nature and justification of your request” section of the application form by specifically addressing the language found in that section of the bylaw that pertains to your application. Also, if a **Special Permit** is sought, reference Section 11.6 of the Bylaw or if a **Variance** is sought, reference Section 11.7 of the Bylaw. Failure to cite or note the correct sections could cause delays for your project.
2. Fill out the ZBA Application completely in accordance with these Application Procedures and the appropriate Application Checklist so that there will be no ambiguity or uncertainty as to your intent in seeking approval of your application.
3. Review your application with a Town of Concord Building Inspector to ensure that the application is correct, complete and clear. Applicable site plans, building plans and any required documentation should be included for this review. Please be advised that it is the Applicant's responsibility to schedule an appointment for this review **at least one to two weeks before the application submission deadline** in order to avoid project delays. Your application is required to be signed by the Building Inspector to be complete.
4. Certain types of ZBA Applications require recommendations and/or approvals from other Boards and Commissions. Some examples are:
  - a. If any portion of the property is located within one of Concord's Historic Districts and your application involves any visible exterior change to the property, contact the Historic Districts Commission Office directly. A Certificate of Appropriateness must be issued by the **Historic Districts Commission** before a decision will be rendered by the ZBA.
  - b. If a **Planning Board** review and recommendation of the application is required, additional copies of the complete ZBA Application and, if required, appropriate filing fee must be submitted to the Planning Board at the same time that the application is filed with the Zoning Board of Appeals.
  - c. If any portion of the project falls under the jurisdiction of the Massachusetts Wetlands Protection Act, contact **the Division of Natural Resources** office directly. A Determination of Applicability and/or an Order of Conditions may be required before a decision will be rendered by the ZBA.

### **On the day the ZBA Application is filed...**

1. Ten (10) copies of the application together with ten copies of all required documentation and plans are filed with the Town Clerk at the Town House at 22 Monument Square. The Town Clerk will date stamp each application, keep one copy and return nine copies to you. Please make sure you retain the original signed application because that is required to be submitted to the ZBA.
2. After you file the application with the Town Clerk, submit one copy of the "Abutters List Request Form" to the Assessor's Office at 24 Court Lane. The Assessor's Office will either calculate the number of Abutters to the property while you wait or you will be notified within 24 hours. The charge per Abutter is \$1.00 with a maximum of \$50.00 and must be paid to the Assessor's Office at that time. The Assessor's staff will sign a copy of the request form and give it back to you. This signed copy is submitted with your application. When completed, the Assessor's Office will forward the list of Abutters to the ZBA Office and that Office will mail the Abutter Notices. Please note that abutters list requests may take up to 10 days to process; however, in most cases, they are completed within 2-4 days.
3. The original signed application and documentation with eight copies must be filed on the same day with the ZBA Clerk at 141 Keyes Road together with your check made out to the **Town of Concord** in the amount indicated on the Fee Schedule. (See below.)

### **Before the day of the ZBA Hearing...**

Follow up with the staff of other town boards, as applicable, to ensure that their review and recommendation of the proposed project will be available before your scheduled hearing date. All necessary reviews and/or recommendations to the Board of Appeals from other town boards/staff must be available before a decision will be rendered by the Zoning Board of Appeals. If you determine that these reviews and recommendations will not be available by the Board of Appeals scheduled hearing date, you should request a continuance of the ZBA hearing, in writing, until such other board review and recommendation is completed.

#### **Fee Schedule**

ZBA Special Permit	\$200
ZBA Special Permit with Site Plan Review	\$200 and appropriate Site Plan fee
ZBA Special Permit Renewal	\$100
Variance	\$200
Planned Residential Development	\$500 plus \$100 per dwelling unit *Dwelling unit fee waived if subdivision fee is required
Comprehensive Permit	\$500 plus \$100 per dwelling unit
Appeal of a Decision of the Building Inspector	\$50
Personal Wireless Service Facilities	\$750

**Instructions:**

This form is to be completed by the Applicant and submitted to the Assessor's Office, 24 Court Lane, at the same time that the Applicant submits the required number of copies of a complete Zoning Board of Appeals or Planning Board Application to the Town Clerk. The Assessor's Office will calculate the number of Abutters to the property while you wait. The charge per Abutter is \$1.00 and must be paid to the Assessor's Office at that time. The Assessor's Office will later submit the list of Abutters to the Zoning Board Appeals Office and that Office will mail the Abutter Notices on the appropriate date.

**Abutters List Request Form**

Property Address: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Name of Person Requesting List: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**I am submitting an Application to the:**☐ **Zoning Board of Appeals**☐ **Planning Board**

Date Requested: \_\_\_\_\_

---

**For Assessors use only**

Date Processed: \_\_\_\_\_

Amount paid: \_\_\_\_\_

## Concord Zoning Board of Appeals Application Checklist

Property Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

### Information to be submitted with application:

#### Recommendation from: (if applicable)

- ☐ Planning Board
- ☐ Natural Resources Commission
- ☐ Historic Districts Commission
- ☐ White Pond Advisory Committee
  
- ☐ Check made payable to the Town of Concord for \$ \_\_\_\_\_
  
- ☐ **Written description of proposed changes:** This should include a thorough description of the existing conditions or use; the proposed changes, including proposed use changes and any other relevant information that the Board may need in reviewing the application. For a renewal of a special permit, submit a copy of the current special permit decision and related documentation.
  
- ☐ **Proof of when house or structure was built:** This can be most conveniently obtained by copying the Assessor's Data Sheet of the property available in the Assessor's office.
  
- ☐ **Basic site plan:** This plan should include the property boundaries, outlines of existing buildings and structures; outlines of proposed buildings and structures; existing and proposed pavement areas; and existing and proposed easements. This plan should be prepared and stamped by a registered land surveyor.
  
- ☐ **Detailed site plan:** This plan should include the same information as the basic site plan plus, in addition, all public and private utilities on-site; existing and proposed curb cuts; and dumpster locations; and any other information relevant to the petition. This plan should be prepared and stamped by a registered land surveyor.

- ☐ **Certified Plot Plan** showing closest points of structure to each lot line. This plan should be prepared and stamped by a registered land surveyor.
- ☐ **Parking layout:** Submit dimensioned existing and proposed layout, including stall delineations. (9 foot by 22 foot dimensioned parking spaces)
- ☐ **Wetlands and flood plain conservancy district delineation:** This information is available from the Town. Actual 100-year flood elevation requires a registered land surveyor. Actual wetlands delineation requires a wetlands scientist.
- ☐ **Landscape plan:** Include type and size of plant material proposed to be planted, plus outline of planting beds.
- ☐ **Photographs:** Photograph the area proposed to be changed from various angles and show on the site plan the location from which the photos were taken. Include views of abutting property. Photos should be mounted on an 8-1/2" x 11" page.
- ☐ **Sign details and location:** Show the location of existing and proposed signs on the site plan.
- ☐ **Floor plans:** Include existing and proposed layout, drawn to scale and dimensioned.
- ☐ **Building elevations:** Show existing conditions and proposed changes drawn to scale.  
For Architectural plans, anything other than one and two family residential developments, **ALL** plans must be prepared by a MA Registered Architect.
- ☐ **A copy of the record deed** for the property.
- ☐ **Other:** \_\_\_\_\_

**Number of copies that must be submitted with application:**

- ☐ Ten (10) copies of the completed application
- ☐ Ten (10) copies of all supportive materials
- ☐ Two (2) full size copy of the plan(s) showing all requested information, including floor plans & elevations
- ☐ Ten (10) copies of an 11" x 17" reduction of the plan(s)
- ☐ One copy of the Abutters List Request Form stamped by the Assessor's Office

## **Concord Zoning Board of Appeals Site Plan Requirements**

**The Site Plan must contain at least the following:**

- ☐ Title information and Project name and address
- ☐ Developer and/or designer's name
- ☐ Date of plan and all revisions
- ☐ Scale, North arrow, and other reference points
- ☐ Locus map at one inch equals four hundred feet (1" = 400')
- ☐ Setbacks, buffer areas, areas not to be disturbed by construction, and no cut/no build areas
- ☐ Location of all structures on site

**For commercial and industrial projects, the Site Plan(s) must also contain the following:**

- ☐ Names of abutters and relation of site to abutting properties
  - ☐ Existing and proposed topography at two (2) foot intervals
  - ☐ Existing and proposed roadways, driveways, loading and parking areas, walkways and sidewalks
  - ☐ Existing and proposed curbing type, location and details
  - ☐ Existing and proposed easements and right of ways
  - ☐ Existing and proposed street and site lighting and details, including type of fixture and wattage
  - ☐ Existing and proposed drainage measures and drainage computations, stamped and signed by a MA Registered Professional Engineer (P.E.)
  - ☐ Provisions for water and electric services and sewage disposal, including location of connections to street service where applicable
  - ☐ Method and location of refuse storage and disposal
  - ☐ Location of fire hydrants and/or fire alarm boxes, as required
  - ☐ Location, type, size and age of any underground storage tanks
  - ☐ Location and spacing of existing and proposed plant material
  - ☐ Numbers, sizes and types of plant materials
  - ☐ Notation of plants to be removed
  - ☐ Proposed treatment of all ground surfaces (paving, gravel, grading, turf, etc.)
- For all proposed commercial and industrial construction, a description of erosion and sedimentation control measures, including location and specifications of temporary and permanent measures and a schedule of operations indicating the starting and completion dates for each phase of construction must accompany the plan. All erosion and sedimentation control measures must conform to Concord Public Works Design Standards and Construction Specifications.
  - If submitting an application that requires Site Plan Review, the applicant must submit the required Site Plan Review application and requested Site Plan information to the Planning Division. Please refer to the Planning Division Site Plan Review Checklist.
  - Unless waived by the Board of Appeals, **ALL** plot plans and site plans must be prepared by a MA Registered Professional Engineer or MA Registered Land Surveyor for property line determinations.

# **Rules and Regulations for Wireless Communications Facilities**

## **Application Requirements**

### **I. Consultant**

- A.** The applicant will pay for a technical consultant, hired by the town of Concord, to review the application and evaluate alternatives. The cost for the consultant will not exceed \$10,000. The application will be reviewed by the consultant prior to the applicant's public hearing before the Zoning Board of Appeals.

### **II. Required Documentation**

- A.** Copies of all submittals and showings pertaining to: FCC licensing; Environmental Impact Statements; FAA Notice of Construction or Alteration; Aeronautical Studies; and all data, assumptions and calculations relating to service coverage and power levels regardless of whether categorical exemption from Routine Environmental Evaluation under the FCC rules is claimed.
- B.** Copies of all information submitted in compliance with requirements of Massachusetts Department of Public Health, 105 CMR 122 FIXED FACILITIES WHICH GENERATE ELECTROMAGNETIC FIELDS IN THE FREQUENCY RANGE OF 300 kHz to 100 GHz and MICROWAVE OVENS, or any revisions thereof as the Department of Public Health may create by written notice.
- C.** The exact legal name, address or principal place of business and phone number of the Applicant. If any Applicant is not a natural person, it shall also give the state under which it was created or organized.
- D.** The name, title, address and phone number of the person to whom correspondence or communications in regard to the application should be sent. Notice orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the Applicant.
- E.** Name, address, phone number and written consent to apply for this permit, of the owner of the property on which the proposed Tower shall be located, or of the owner(s) of the Tower or structure on which the proposed Facility shall be located.

- F. Details of proposed method of finance surety for tower and facility removal as required in section 7.8.5 of the Zoning Bylaw for Personal Wireless Communication Facilities for the Town of Concord.
- G. Required plans and engineering plans, prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. (Note: survey plans should also be stamped and signed by a Professional Land Surveyor registered in Massachusetts.) Plans shall be on 24"x36" sheets, on as many sheets as necessary, and at scales which are not smaller (i.e., no less precise) than listed below, and which show the information described below.
- H. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scales(s), and original seal and signature of the Professional Engineer and other professionals who prepared the plan.

**III. For new tower construction, or major modification of an existing tower, a tower construction special permit is required.**

- A. Applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the Tower, to rent or lease available space for co-location on the Tower at fair-market prices and terms, without discrimination to other Personal Wireless Service providers.
- B. If applicant is not simultaneously applying for a Personal Wireless Service Facilities Special Permit, it shall provide a copy of its existing lease/contract with a Personal Wireless Service Provider. A Tower Construction Special Permit shall not be granted for a Tower to be built on speculation.
- C. The following plans and maps are required:
  - 1. Location Map: Copy of a portion of the most recent USGS Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact Latitude and Longitude (degrees, minutes and seconds).
  - 2. Vicinity Map: At a scale of 1"=200' (1:2,400) with contour intervals no greater than 1- feet (0.3 meter) showing the entire vicinity with a 2000' radius of the Tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, and habitats for endangered species. Indicate the property lines of the proposed Tower Site Parcel and all abutters within 300' of the Tower Site Parcel (from the Assessors maps or available surveys). Include the names of all abutters within 300' of the Tower Site Parcel. Indicate any access easement or right-of way needed for access from a public way to the Tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

3. Existing Conditions Plan: A recent survey of the Tower Site at a scale no smaller than 1"=40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 2' (0.6 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, individual trees with diameters greater than 12" within a 200' radius from the base of the proposed Tower (labeled with their current heights). Show the boundary of any wetlands or floodplains or watercourses and of any body of water included in the Watershed Protection District within 200' from the proposed Tower or any related facilities or access ways or appurtenances. A Professional Land Surveyor must have completed the survey plan, on the ground, within two years prior to the application date.
4. Proposed Site Plans: proposed facility site layout, grading and utilities at the same scale or larger than the Existing Conditions Plan.
  - a) Proposed Tower locations and any appurtenances, including supports and guy wires, if any, and any accessory building (Communications Equipment Shelter or other). Indicate property boundaries and setback distances to the base(s) of the Tower and to the nearest corners of each of the appurtenant structures to those boundaries and dimensions of all proposed improvements.
  - b) Indicate proposed spot elevations at the base of the Proposed Tower and at the base of any guy wires, and the corners of all appurtenant structures.
  - c) Proposed utilities, including distance from the source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
  - d) Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
  - e) Any direct or indirect wetland alteration proposed.
  - f) Detailed plans for drainage of surface and/or subsurface water; plans to control erosion and sedimentation both during construction and as a permanent measure.
  - g) Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc., and any exterior lighting or signs.
  - h) Plans of proposed access driveway or roadway and parking area at the Tower Site. Including a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
5. Proposed Tower and Appurtenances:
  - a) Plans elevations, sections and details at appropriate scales but no smaller than 1"=10'.
  - b) Two cross sections through proposed Tower drawn at right angles to each other and showing the ground profile to at least 100 feet beyond the limit of

clearing and showing any guy wires or supports. Dimension the proposed height of the Tower above average grade at Tower Base. Show all proposed antennas, including their locations on the Tower.

- c) Details of proposed Tower foundations, including cross-sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
  - d) Descriptions and visual aids depicting alternative tower designs that would minimize the visual impact of the tower at the proposed site.
  - e) Details of proposed exterior finish of the Tower and appurtenances, including color.
  - f) Indicate relative height of the Tower to the tops of surrounding trees as they presently exist and the height to which they are expected to grow in ten years.
  - g) Illustration of the modular structure of the proposed Tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
  - h) A structural Professional Engineer's written description of the proposed Tower structure and its capacity to support additional Antennas or other communications facilities at different heights and the ability of the Tower to be shortened if future communications facilities no longer require the original height.
  - i) A description of available space on the tower, providing illustrations and examples of the type and number of Personal Wireless Service Facilities which can be mounted on the structure.
6. Proposed Communications Equipment Shelter:
- a) Floor plans, elevations and cross sections at a scale of no smaller than  $\frac{1}{4}"=1'$  (1:48) of any proposed appurtenant structure.
  - b) Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.
7. Sight Lines:
- a) A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site shown beginning at True North and continuing clock-wise at forty-five degree intervals. Photographs are the preferred medium for illustrating sight lines.
  - b) A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed Tower from a public way shall be indicated.
  - c) Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale of 1:25,000 and submit profile drawings on a horizontal scale of  $1"=400'$  with a vertical

scale of 1"=40'. Trees shall be shown at existing heights and at projected heights in ten years.

8. Proposed Equipment Plan:

- a) Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'
- b) Number of Antennas and Repeaters, as well as the exact locations of Antenna(s) and of all Repeaters (if any) located on a map as well as by degrees, minutes and seconds of latitude and longitude.
- c) Mounting locations on Tower or structure, including height above ground.
- d) Antenna type(s), manufacturer(s), model number(s)
- e) For each antenna, the antenna gain and the antenna radiation pattern.
- f) Number of channels per antenna, projected and maximum.
- g) Power output, in normal use and a maximum output for each antenna and all antennas as an aggregate. Output frequency of the transmitters(s).

**IV. For new Personal Wireless Service Facility, or Major Modification of an Existing Facility, a Personal Wireless Service Facility Special Permit is required.**

**A. The following plans and maps are required:**

1. Location Map: A copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed Facility Site. Indicate the location of the proposed Personal Wireless Service Facility, or the Facility undergoing major modifications and the exact Latitude and Longitude (degrees, minutes and seconds).
2. Proposed Facility Plan: A recent survey of the Facility Site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) showing:
  - a) Horizontal and radial distances of Antenna(s) to nearest point on property line.
  - b) Horizontal and radial distances of Antenna(s) to nearest dwelling.
  - c) Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines and whether underground or above ground.
  - d) Any changes to be made to the existing Facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of this proposed Modifications of the Facility.
3. Sight Lines:

- a) A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site shown beginning at True North and continuing clock-wise at forty-five degree intervals. Photographs are the preferred medium for illustrating sight lines.
  - b) A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed antenna/facility from a public way shall be indicated.
  - c) Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale of 1:25,000 and submit profile drawings on a horizontal scale of 1"=400' with a vertical scale of 1"=40'. Trees shall be shown at existing heights and at projected heights in ten years.
4. Proposed Communications Equipment Shelter:
- a) Floor plans, elevations and cross sections at a scale no smaller than  $\frac{1}{4}" = 1'$  (1:48) of any proposed appurtenant structure.
  - b) Representative elevation views indicating the roof, facades, doors and other exterior appearance and materials.
5. Proposed Equipment Plan:
- a) Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'
  - b) Number of Antennas and Repeaters, as well as the exact locations of Antenna(s) and of all Repeaters (if any) located on a map as well as by degrees, minutes and seconds of latitude and longitude.
  - c) Mounting locations on Tower or structure, including height above ground.
  - d) Antenna type(s), manufacturer(s), model number(s)
  - e) For each antenna, the antenna gain and the antenna radiation pattern.
  - f) Number of channels per antenna, projected and maximum.
  - g) Power output, in normal use and a maximum output for each antenna and all antennas as an aggregate.
  - h) Output frequency of the transmitters(s).

## **Regulation and Procedure**

### **Special Municipal Account – Personal Wireless Communication Facilities Consultant - Review Fees and Procedures:**

**1. Adoption by local Board/Authority:** Adopted by the Zoning Board of Appeals (the Board) as provided under M.G.L. Ch.44, Section 53G as it relates to the Board's purview under the Concord Zoning Bylaw Section 7.8 (Personal Wireless Communication Facilities) and the following State statutes: variance – M.G.L. Ch.40A, Section 12; and special permit – M.G.L. Ch.40A, Section 9.

**2. Purpose.** When reviewing an application for a special permit or variance for Personal Wireless Communication Facilities, the Board is required to seek the assistance of a qualified independent consultant per the Concord Zoning Bylaw Section 7.8.4.3.

The Board requires that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of a qualified independent consultant engaged by the Board to assist in the review of an application for Personal Wireless Communication Facilities. Upon receipt of an application, the Board (or its designated staff) shall prepare a scope of services for an outside consultant.

**3. Consultant Selection.** In hiring a qualified independent consultant, the Board may engage radio-frequency engineers, planners, lawyers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws and regulations. The independent consultant shall be provided with the completed application and existing documentation for analysis and review. The independent consultant shall gather additional documentation and conduct additional research as necessary to support the analysis and review. Access to the site to conduct any necessary site visits shall be provided to the qualified independent consultant. The consultant shall submit to the Board a written recommendation and an opinion as to the conformance of the application with the requirements of the Concord Zoning Bylaw Section 7.8.

Minimum qualifications of an outside consultant shall consist either of a degree in, or related field and, if the field is licensed or registered by the Commonwealth, the respondent holds such license or registration.

A qualified independent consultant shall be selected by the Board and retained by the Board (in accordance with the Town's procurement requirements), with the actual and reasonable costs for their services to be paid by the applicant. Applications for Personal Wireless Communication Facilities require review by a qualified independent consultant and copies of the application shall be delivered to the selected consultant(s), who shall submit a cost for the requested consultant services to the Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Board.

**3. Submittal of funds.** Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from the special account may be made at the direction of the Board without further appropriation and shall be made only in connection with the review of a Personal Wireless Communication Facility project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay for review fees shall be grounds for denial of the respective application or permit.

**4. Definition of "Project" under 53G.** For purposes of the management of consultant fees under the 53G procedure adopted herein, the term "project" shall mean the work of the designated qualified independent consultant and the conclusion of the "project" shall occur when the Board accepts the report submitted by the consultant.

**5. Handling of Consultant Review Fees.** The consultant review fee is to be deposited into a special account designated by the Town Treasurer as set forth in M.G.L. Ch.44, section 53G. The Town Treasurer shall, from time to time, issue such rules and regulations for administration of these funds and deposits as may be necessary, providing that such rules and regulations shall be consistent with best accounting practices, with the Town's bidding and accounting procedures and in conformance with applicable state and federal laws and regulations, including Section 53G of Chapter 44.

**6. Appeal from the Selection of the Consultant.** The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Ch.44, section 53G, any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for an administrative appeal shall be limited to claims that the consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications. Such appeals may be initiated by the applicant filing notice with the Town Clerk within seven calendar days of notice of selection. The consultant selection made by the Board shall stand if one month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Board shall be extended by the duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

**7. Remedy.** Failure of an applicant to pay the consultant review fee determined by the Board, or to replenish the special account when requested, may be grounds for denial.

**8. Effective Date.** This regulation was adopted by the Board on February 14, 2002, in accordance with the requirements of M.G.L. Ch.40A.

COMMUNITY NEWSPAPER COMPANY

The Concord Journal

Legal Notice Department

Phone: 781-433-7902

Fax: 781-433-1702 or 781-453-6650

DATE: \_\_\_\_\_

The Application that I am submitting for a \_\_\_\_\_  
at \_\_\_\_\_ to the:

☐ Zoning Board of Appeals

☐ Historic Districts Commission

☐ Planning Board

requires a notice of a public hearing. Legal notices are currently submitted to the Concord Journal for publication.

This legal notice will be submitted to the Concord Journal for publication on the following date(s): \_\_\_\_\_.

I hereby acknowledge **responsibility for payment** of the required legal notice to the Concord Journal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone Number

**Note:** A delay in the publication of the legal notice may cause a delay in the opening of the public hearing.